

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FREDERIC WILKES,

Plaintiff,

No. 05-CV-72898-DT

vs.

Hon. Gerald E. Rosen

PATRICIA CARUSO, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in the
U.S. Courthouse, Detroit, Michigan
on January 31, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This Section 1983 prisoner civil rights matter having come before the Court on the October 18, 2007 Report and Recommendation of United States Magistrate Donald A. Scheer recommending that the Court grant Defendants' motion for summary judgment and that Plaintiff's Complaint be dismissed in its entirety; and Plaintiff having timely filed objections and supplemental objections¹ to the Magistrate Judge's Report and Recommendation; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's Objections, and the Court's entire file of this action, and having

¹ Plaintiff's supplemental objections were filed as a "Motion to Amend and Supplement" his Objections. [**Dkt. # 37**]. The Court grants this "motion" and will consider the supplemental objections noted therein in deciding this matter.

concluded that, for the reasons stated in the Report and Recommendation, Defendants' motion should be granted and this case should, accordingly be dismissed in its entirety; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of October 18, 2007 [**Dkt. # 34**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motion for Summary Judgment [**Dkt. # 31**] be, and hereby is, GRANTED. Accordingly, Plaintiff's Complaint is DISMISSED in its entirety with prejudice.

IT FURTHER ORDERED that Plaintiff's Motion to Strike Defendants' representation by the Michigan Attorney General's office [**Dkt. # 36**] is DENIED.

Based on the foregoing, this Court certifies that any appeal by Plaintiff would be frivolous and not in good faith. 28 U.S.C. § 1915(a).

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: January 31, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 31, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager